

## **REMARKS**

The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Claims 1-28 are pending in this case. Claims 1-2, 4-5, 8, 13-15, 19, 24 have been rejected under 35 U.S.C. § 112, second paragraph. Claims 1-10, 12-21, 23-24, 26-28 have been rejected under 35 U.S.C. § 102(b). Claims 1, 11, 22, 25 have been rejected under 35 U.S.C. § 103(a). Independent claims 1, 12, 23, 27-28 and dependent claims 2, 4-5, 8, 13-14, 19, 24 have been amended.

With respect to the Examiner's 35 U.S.C. §§ 102(b) and 103(a) rejections, Applicant has reviewed the cited art and respectfully submits that the art fails to disclose or suggest the Applicant's claimed invention. Therefore, Applicant respectfully traverses and requests favorable reconsideration.

### **Personal Interview**

Applicant wishes to thank the Examiner for granting a personal interview on August 10, 2006. The interview participants included Examiner Paul Kim, Primary Examiner Sam Rimell and Howard Zaretsky (Applicant's representative).

### **Response to Drawing Objections**

The Examiner objected to the drawings under 37 CFR 1.84(p)(5) because they do not include several reference signs mentioned in the description, namely reference characters 91, 94, 96 of paragraphs [0051]-[0053]. Applicant submits herewith an amended drawing sheet labeled "Replacement Sheet" in accordance with 37 CFR 1.121(d) with the reference characters 91, 94, 96 appropriately added to Figure 4.

### **Response to 35 U.S.C. § 112, Second Paragraph Rejections**

The Examiner rejected claims 1-2, 4-5, 8, 13-15, 19, 24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Amended claims 1-2, 4-5, 8, 13-15, 19, 24 now feature language which make it clear what the subject matter is that the Applicant regards as the invention. Applicant believes that amended claims 1-2, 4-5, 8, 13-15, 19, 24 overcome the Examiner's rejection based on § 112, second paragraph grounds. The Examiner is respectfully requested to withdraw the § 112, second paragraph rejection.

### **Response to 35 U.S.C. § 102(b) Rejections**

The Examiner rejected claims 1-10, 12-21, 23-24, 26-28 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0016718 ("Rothschild et al."). Applicant respectfully submits that the prior art fails to disclose or suggest at least means for interrupting an automatic publishing mode and immediately switching to an interactive mode in response to a command received from a user before transmission of data for a study selected by said user is complete. Therefore, Applicant respectfully traverses the rejections and request favorable reconsideration.

Applicant has reviewed the cited art and respectfully submits that the art fails to disclose or suggest the Applicant's claimed invention, and fails to teach each and every element and limitation of the claims rejected herein. Therefore Applicant respectfully traverses the rejections and requests favorable reconsideration.

While continuing to traverse the Examiner's rejections, Applicant, in order to expedite the prosecution, has chosen to clarify and emphasize the crucial distinctions between the present invention and the devices of the patents cited by the Examiner. Specifically, claim 1 has been amended to include a system for publishing images over a communication network comprising a study storage device for storing a plurality of studies, each study comprising one or more images, a publication server coupled to the communications network, the publication server adapted to enter an automatic mode wherein one or more studies from among the plurality of studies are automatically sent to a client computer coupled to the communications network as they become available on the study storage device, the client computer adapted to receive the one or more studies and store them in a local storage and the client computer comprising means for a user to enter an interactive mode wherein the automatic mode is interrupted and an interactive viewing session is initiated for immediately viewing a selected study before transmission of the selected study is complete using any needed data already received and stored in the local storage, and if

the needed data is not available on the local storage, then pulling needed data from the publication server using progressive image streaming techniques.

Rothschild et al. teaches a medical image management system and method that uses a central data management system to centrally manage the storage and transmission of electronic records containing medical images between remotely located facilities. The invention also provides a system and method for packaging an image for secure transmission, for tracking delivery and review of images and various attachments or augmentations to the image files and for providing lifetime storage of images that may be accessed by different authorized imaging centers and providers throughout the life of the patient. An image or file is packaged to be transmitted through a firewall of an image viewing location and stored in a relational database at the remote viewer. The image is delivered to a physician for ready accessibility at a remote viewer. Various files may be added to the patient's file at remote viewers. Overlays, reports and other attachments are created or input at image viewing stations and may be packaged for delivery to authorized locations and are tracked and stored by a data center.

It is submitted that the system of Rothschild is operative to send a **complete** image before the user can view it, as stated in paragraph [0104]: "The image file is received by the data center in a way that guarantees completion of the job before it is seen by processing logic." Further, Rothschild does not teach interrupting the current push or pull mode (i.e. automatic mode) of operation and immediately switching to an interactive mode.

In contrast, the present invention permits an automatic mode to be **interrupted** and the contents to be viewed **before** transmission of the contents of the study is complete or before transmission has even begun. Transmission for non-selected studies still continues but a higher priority is given to requests for data of the selected study. Since data for the selected study may already be on the client, the client first checks its local database for the data needed for the selected study. If it finds it, it uses this data, and if not, it requests the data from the publication server. These features are neither taught nor suggested by the Rothschild et al. reference.

It is believed that independent claims 1, 12, 23, 27-28 overcome the Examiner's § 102(b) rejection based on the Rothschild et al. reference. In addition, it is believed that dependent claims 2-10, 13-21, 24, 26 also overcome the Examiner's rejection based on § 102(b) grounds. The Examiner is respectfully requested to withdraw the rejection based on § 102(b).

### **Response to 35 U.S.C. § 103(a) Rejections**

#### Claim 1:

The Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0016718 (“Rothschild et al.”) in view of Applicant’s admitted prior art (“ADMITTED PRIOR ART”). Applicant respectfully submits that the prior art fails to disclose or suggest at least means for interrupting an automatic publishing mode and immediately switching to an interactive mode in response to a command received from a user before transmission of data for a study selected by said user is complete. Therefore, Applicant respectfully traverses the rejections and request favorable reconsideration.

For the reasons stated above, Applicant submits that claim 1 are not obvious in light of the combination of Rothschild et al. and ADMITTED PRIOR ART. The Applicant respectfully traverses the rejection of claim 1 and submits that the presently claimed invention are patently distinct over Rothschild et al. in view of ADMITTED PRIOR ART. The Examiner is respectfully requested to withdraw the rejection based on 35 U.S.C. §103(a).

To reject the claims as obvious under 35 U.S.C. §103(a) there must be some suggestion or motivation, either in the references themselves or in the prior art, to modify or combine teachings. Furthermore, the prior art references must teach all the claimed limitations. Application has reviewed the cited art and respectfully submits that the art fails to disclose or suggest the Applicant’s claimed invention, and fails to teach each and every element and limitation of the claims rejected herein. Therefore Applicant respectfully traverses the rejections and requests favorable reconsideration.

#### Claims 11, 22, 25:

The Examiner rejected claims 11, 22, 25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0016718 (“Rothschild et al.”) in view of U.S. Patent Publication No. 2006/0031372 (“Krishnan et al.”). Applicant respectfully submits that the prior art fails to disclose or suggest at least means for interrupting an automatic publishing mode and immediately switching to an interactive mode in response to a command received from a user

before transmission of data for a study selected by said user is complete. Therefore, Applicant respectfully traverses the rejections and request favorable reconsideration.

For the reasons stated above, Applicant submits that claims 11, 22, 25 are not obvious in light of the combination of Rothschild et al. and Krishnan et al. The Applicant respectfully traverses the rejection of claim 11, 22, 25 and submits that the presently claimed invention are patently distinct over Rothschild et al. in view of Krishnan et al. The Examiner is respectfully requested to withdraw the rejection based on 35 U.S.C. §103(a).

### **Correction of Typographical Errors**

Amendments haven been made to correct grammatical and usage errors in the specification. No new matter has been added to the application by these amendments.

### **Conclusion**

In view of the above amendments and remarks, it is respectfully submitted that independent claims 1 and 7 and hence dependent claims 4-6, 10-11 are now in condition for allowance. Prompt notice of allowance is respectfully solicited.

In light of the Amendments and the arguments set forth above, Applicant earnestly believes that they are entitled to a letters patent, and respectively solicit the Examiner to expedite prosecution of this patent applications to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

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Respectfully submitted,

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